

REMARKS

By this amendment, Appellants propose to cancel claims 76-84. This amendment is being filed concurrently with Appellants' Appeal Brief.

Appellants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 40-46, 48-57, 59-68, and 70-72 in better form for appeal and in condition for allowance. Appellants submit that the proposed cancellation of claims 76-84 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner.

Further, 37 C.F.R. § 41.33(b) states amendments filed on the date of filing an Appeal Brief may be admitted to cancel claims, where such cancellation does not affect the scope of any other pending claim under appeal. Because claims 76-84 depend from claims 40, 51, and 62, respectively, Appellants submit the proposed amendment does not affect the scope of the remaining pending claims. Therefore, this Amendment should allow for immediate action by the Examiner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 15, 2005

By:


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